



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

March 15, 2012

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To: Supervisor Zev Yaroslavsky, Chairman
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

This memorandum contains pursuit of County positions on legislation related to categorical eligibility under the CalFresh Program and legislation that would amend the criteria by which individuals are released from State prison to Post-Release Community Supervision; a change in County position on legislation regarding payments made to contractors for construction of public works or improvements; and the status of two measures regarding child death reviews and child abuse and neglect.

Pursuit of County Position on Legislation

AB 1560 (Fuentes), which as introduced on January 30, 2012, would require the State Department of Social Services, to the extent permitted by Federal law, to waive the CalFresh Program gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program.

Under current law, the State Department of Social Services is required to develop a program of categorical eligibility under the CalFresh Program for needy households who meet all other Supplemental Nutrition Assistance Program (SNAP) eligibility requirements, in accordance with Federal law. In addition, the general gross income threshold for CalFresh is 130 percent of the Federal Poverty Level (FPL); and Medi-Cal eligibility is not connected with one specific income threshold. AB 1560 would align eligibility by utilizing an enrollment tool to expand CalFresh eligibility to Medi-Cal recipients with a gross income of up to 200 percent of FPL, though these Medi-Cal recipients would remain subject to the current CalFresh net income test. The author of this measure notes that establishing a direct eligibility between CalFresh and Medi-Cal will ensure that low-income Californians access both benefits instead of one.

"To Enrich Lives Through Effective And Caring Service"

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The Department of Public Social Services (DPSS) indicates that AB 1560 is necessary to simplify the eligibility process, and that aligning both programs would allow participants to have quicker access to Medi-Cal and CalFresh benefits to support good health and nutrition. DPSS also indicates that this measure would have a minimal cost and workload impact to the County.

The Department of Public Social Services and this office support AB 1560. In addition, support for this measure is consistent with the May 19, 2009 Board-approved motion supporting the implementation of AB 433 (Beall) (Chapter 626, Statutes of 2008), relating to categorical eligibility and the Food Stamp Program. Therefore, consistent with existing policy to support options to simplify the administration of public assistance programs such as CalWORKs, Medi-Cal and Food Stamps, and consistent with Board efforts related to outreach pilot projects aimed at increasing CalFresh enrollment, **the Sacramento advocates will support AB 1560.**

AB 1560 is sponsored by the California Food Policy Advocates and is supported by the County Welfare Directors Association of California. There is no known opposition at this time.

The measure is set for a hearing in the Assembly Human Services Committee on April 10, 2012.

SB 1150 (Dutton), which as introduced on February 21, 2012, would make anyone released from State prison who has a prior conviction for a serious or violent felony, a crime for which the person received a third strike, or a crime that resulted in the person being classified as a High Risk Sex Offender, ineligible for Post-Release Community Supervision (PRCS).

The 2011 Public Safety Realignment (AB 109 of 2011 and other implementing legislation) shifted responsibility for the incarceration and supervision of certain offenders from the State to counties and created PRCS whereby certain offenders released from State prison are supervised by county probation departments and not State Parole. To be eligible for PRCS, prison inmates must not be serving a current sentence for a serious or violent offense, or a crime that classifies the inmate as a High Risk Sex Offender. In addition, inmates that have been classified as a Mentally Disordered Offender during their current commitment are not eligible for PRCS. Currently, an inmate's past criminal history is not considered in the eligibility assessment for PRCS, meaning that individuals with previous serious and/or violent convictions can be released to county supervision as long as their current commitment fits the PRCS criteria. Inmates that do not meet the PRCS eligibility criteria are released to the supervision of State Parole.

SB 1150 would change the criteria for PRCS to preclude anyone with a prior conviction for serious, violent, or sex offenses from being released to county supervision effectively decreasing the number of individuals supervised by county probation departments under PRCS. Under the new criteria set forth by SB 1150, those prison inmates scheduled for release, but not eligible for PRCS, would be released under the supervision of State Parole.

Since the implementation of the 2011 Public Safety Realignment on October 1, 2011, a significant number of individuals with lengthy criminal histories that include serious, violent, and sex offenses have been released under PRCS to Los Angeles County. The Probation Department reports that larger numbers of individuals released to the County under PRCS have been assessed at a high-risk to recidivate than the Department anticipated. Through January 2012, 64.0 percent of the PRCS population had been assessed as high-risk, including many with serious and violent criminal histories. These individuals require intensive supervision and resources.

It is important to note that as introduced, SB 1150 would significantly alter major provisions of AB 109 of 2011 and would shift a potentially sizeable number of individuals back to State supervision. Any change of this magnitude to the realignment structure may be considered as a reversal of the intent of the legislation and, as a result, the Administration would likely not be receptive to SB 1150 or similar legislation if it were passed by the Legislature.

Therefore, consistent with your Board motion of November 15, 2011 directing the Chief Executive Office, County Departments, and the Sacramento advocates to protect the County from receiving violent offenders and to seek legislative change to amend the criteria under AB 109, **the Sacramento advocates will support SB 1150.**

SB 1150 was assigned to the Senate Committee on Public Safety on March, 1 2012, but it has not yet been scheduled for a hearing.

Change in County Position on Legislation

County-opposed unless amended AB 1354 (Huber), which would prohibit public entities from withholding retention progress payments made to a contractor for the construction of any public works or improvements beginning January 1, 2012, was amended on January 4, 2012.

The amended version of AB 1354 is a complete re-write which now addresses civil procedure and no longer contains any of our concerns regarding withholding retention progress payments made to contractors. The Department of Public Works and this

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office recommend no position on this bill. Therefore, **the Sacramento advocates will remove County-opposed unless amended position, and take no position on this measure.**

Legislation of County Interest

AB 1440 (Perea), which as introduced on January 4, 2012, would require each county child welfare agency, within 60 calendar days of determining that abuse or neglect led to a child's death in the county, to review the child's death and prepare a written report containing specified information. The measure also would require the county child welfare agency to submit the report to the State Department of Social Services within 10 days of its completion, among other provisions.

Current law requires the custodian of records in a county child welfare agency to release, upon request, specified records within five business days of learning that a child fatality has occurred in the county and that there is a reasonable suspicion that the fatality was caused by abuse or neglect. Requested records are subject to the redaction of certain identifying personal information.

AB 1440 is scheduled for a hearing in the Assembly Human Services Committee on April 10, 2012. This office is working with the Department of Children and Family Services and County Counsel to determine the impact of this measure to the County.

AB 1697 (Perea), which as introduced on February 15, 2012, is a spot bill relating to child abuse and neglect, and child death reviews. This measure would make one technical, non-substantive change to current law, as described above in AB 1440. AB 1697 would have to be further amended by the author before it can be referred to a committee, and potentially scheduled for a hearing, since it is a spot bill. Our office is closely monitoring AB 1697 for any potential amendments that could impact the County.

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
Legislative Strategist